

# **EXHIBIT D**

September 3, 2019 Email from Sam Castor to  
Ronald Green

**From:** Sam Castor [sam@switch.com](mailto:sam@switch.com)  
**Subject:** RE: MTechnology adv. Switch - Protective Order language  
**Date:** September 3, 2019 at 5:15 PM  
**To:** Ron Green [rdg@randazza.com](mailto:rdg@randazza.com)  
**Cc:** Emily Shaevitz [eshaevitz@switch.com](mailto:eshaevitz@switch.com), Anne-Marie Birk [abirk@switch.com](mailto:abirk@switch.com), Piers R. Tueller [ptueller@hutchlegal.com](mailto:ptueller@hutchlegal.com), Marc Randazza [mjr@randazza.com](mailto:mjr@randazza.com), Alex Shepard [ajs@randazza.com](mailto:ajs@randazza.com), Crystal Sabala [ccs@randazza.com](mailto:ccs@randazza.com)

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Ron,

We have been going back and forth for weeks now because you have been stalling – yet again.

As 7.1 is the only hang up, then I suggest we add language that says that you will preserve a copy of all information searched and produced, for subpoena in other matters related to this matter; consistent with Marc Randazza's suggestion.

Does that work?



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**From:** Ron Green <[rdg@randazza.com](mailto:rdg@randazza.com)>  
**Sent:** Tuesday, September 3, 2019 2:15 PM  
**To:** Sam Castor <[sam@switch.com](mailto:sam@switch.com)>  
**Cc:** Emily Shaevitz <[eshaevitz@switch.com](mailto:eshaevitz@switch.com)>; Anne-Marie Birk <[abirk@switch.com](mailto:abirk@switch.com)>; Piers R. Tueller <[ptueller@hutchlegal.com](mailto:ptueller@hutchlegal.com)>; Marc Randazza <[mjr@randazza.com](mailto:mjr@randazza.com)>; Alex Shepard <[ajs@randazza.com](mailto:ajs@randazza.com)>; Crystal Sabala <[ccs@randazza.com](mailto:ccs@randazza.com)>  
**Subject:** Re: MTechnology adv. Switch - Protective Order language

Dear Sam:

Marc and I discussed your protective order proposals with Mr. Fairfax and MTech. We cannot agree to Switch's version of Paragraph 7.1. The parties have been debating the language of the protective order for weeks now, while discovery deadlines continue to approach. We are going to submit our clients' request for a case management conference and proposed protective order today.

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Ronald D. Green\* | **Randazza Legal Group, PLLC**  
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On Aug 29, 2019, at 12:19 PM, Sam Castor <[sam@switch.com](mailto:sam@switch.com)> wrote:

*I already have provided alternative language. It was what I sent to you. Let's use that as a discussion point.*



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From: Ron Green <[rdg@randazza.com](mailto:rdg@randazza.com)>

**From:** Ron Green <[rdg@randazza.com](mailto:rdg@randazza.com)>

**Sent:** Thursday, August 29, 2019 9:49 AM

**To:** Emily Shaevitz <[eshaevitz@switch.com](mailto:eshaevitz@switch.com)>

**Cc:** Sam Castor <[sam@switch.com](mailto:sam@switch.com)>; Anne-Marie Birk <[abirk@switch.com](mailto:abirk@switch.com)>; Piers R. Tueller <[ptueller@hutchlegal.com](mailto:ptueller@hutchlegal.com)>; Marc Randazza <[mjr@randazza.com](mailto:mjr@randazza.com)>; Alex Shepard <[ajs@randazza.com](mailto:ajs@randazza.com)>; Crystal Sabala <[ccs@randazza.com](mailto:ccs@randazza.com)>

**Subject:** Re: MTechnology adv. Switch - Protective Order language

I have another call at 11:00 but can do 4:00.

Sam's email said that he was providing alternate language, but there was nothing attached to his email. Was that an error?

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On Aug 29, 2019, at 9:44 AM, Emily Shaevitz <[eshaevitz@switch.com](mailto:eshaevitz@switch.com)> wrote:

Mr. Green,

Sam is available today 11:00am-12:00pm or 4:00pm-5:00pm. I'm happy to circulate a calendar invite if either of those times work best.

Thank you,  
Emily



**EMILY SHAEVITZ**  
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**From:** Sam Castor <[sam@switch.com](mailto:sam@switch.com)>

**Sent:** Thursday, August 29, 2019 7:42 AM

**To:** Ron Green <[rdg@randazza.com](mailto:rdg@randazza.com)>

**Cc:** Anne-Marie Birk <[abirk@switch.com](mailto:abirk@switch.com)>; Piers R. Tueller <[ptueller@hutchlegal.com](mailto:ptueller@hutchlegal.com)>; Marc Randazza <[mjr@randazza.com](mailto:mjr@randazza.com)>; Alex Shepard <[ajs@randazza.com](mailto:ajs@randazza.com)>; Crystal Sabala <[ccs@randazza.com](mailto:ccs@randazza.com)>; Emily Shaevitz <[eshaevitz@switch.com](mailto:eshaevitz@switch.com)>

**Subject:** Re: MTechnology adv. Switch - Protective Order language

Ron,

I have provided alternative language. I think a discussion would be helpful to see why you think it's insufficient. I've copied Emily to help us find a time to connect today.



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**From:** Ron Green <[rdg@randazza.com](mailto:rdg@randazza.com)>  
**Date:** Tuesday, August 27, 2019 at 10:45 AM  
**To:** Samuel Castor <[sam@switch.com](mailto:sam@switch.com)>  
**Cc:** Anne-Marie Birk <[abirk@switch.com](mailto:abirk@switch.com)>, "Piers R. Tueller" <[ptueller@hutchlegal.com](mailto:ptueller@hutchlegal.com)>, Marc Randazza <[mjr@randazza.com](mailto:mjr@randazza.com)>, Alex Shepard <[ajs@randazza.com](mailto:ajs@randazza.com)>, Crystal Sabala <[ccs@randazza.com](mailto:ccs@randazza.com)>  
**Subject:** Re: MTechnology adv. Switch - Protective Order language

Sam:

I had a meeting out of the office this morning and just saw this. I am in the office now and should be around most of the day. If you have suggested language that you want to give me before we speak, it might be helpful so that I see if my clients are amenable to what you propose.

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On Aug 27, 2019, at 9:10 AM, Sam Castor <[sam@switch.com](mailto:sam@switch.com)> wrote:

Ron,

Good morning. I'd like to discuss. I am confident we can find mutually acceptable language. If we still don't agree, we will file separate forms. We have been more than accommodating.

Are you free at 10:30?

Sent from my phone - please excuse brevity and typos.



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On Aug 26, 2019, at 4:35 PM, Ron Green <[rdg@randazza.com](mailto:rdg@randazza.com)> wrote:

Dear Mr. Castor:

While the majority of the parties' disputes regarding the language of the Protective Order have been resolved, two significant ones remain. First, with regard to Paragraph 7.1, my clients will not agree to any language giving Switch the right to use highly confidential documents against third parties or to use this litigation to seek information about third parties. MTech and Mr. Fairfax will only agree to the language that we proposed for this Paragraph. Second, the language that you have proposed in Paragraph 10.2 is insufficient. The letter that I sent to Mr. Tueller on August 19, 2019 identifies the language that we want inserted into the Protective Order regarding remedies if the Protective Order is breached.

If Switch is unwilling to revise the language in its proposed Protective Order to assuage my clients' concerns, then we should likely submit competing proposed orders with the Court.

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